



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/675,743	09/29/2000	Jeremy Mark Cohen	T1118/20040	2840

3000 7590 02/24/2004

CAESAR, RIVISE, BERNSTEIN,
COHEN & POKOTILOW, LTD.
12TH FLOOR, SEVEN PENN CENTER
1635 MARKET STREET
PHILADELPHIA, PA 19103-2212

EXAMINER

JOHNSON, VICKY A

ART UNIT	PAPER NUMBER
----------	--------------

3682

DATE MAILED: 02/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/675,743

Applicant(s)

COHEN ET AL.

Examiner

Vicky A. Johnson

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 12-16 and 19-29 is/are pending in the application.
- 4a) Of the above claim(s) 21-27 and 29 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4, 16, 19, 20 and 28 is/are allowed.
- 6) ☒ Claim(s) 12-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>27 & 28</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Claims 21-27 and 29 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The claims are directed toward a distinct species that required two one-way valves, fluidly connecting the first and second chambers together. The originally elected species requires a feather washer to obstruct the flow of fluid.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 21-27 and 29 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fenton in view of Johnsen.

Fenton discloses a handlebar comprising: a frame (A) having opposing tubular outer ends (see Fig 2), a shaft (b) having first and second shaft ends (see Fig 2), the first shaft end being slidably connected with one of the tubular outer ends (see Fig 2), a

Art Unit: 3682

bias member (G) operatively associated with the shaft and the frame so as to bias the second shaft end away from the one tubular end of the frame (col. 3 lines 20-25), and a dampener (D) operatively associated with the shaft and the frame so as to dampen displacement of the second end of the shaft away from the one tubular outer end of the frame (col. 3 lines 25-37), wherein upon impact force with the frame the bias member compresses and after the impact force is released the dampener slows the return speed of the bias member towards its pre-impact position (col. 3 lines 20-37).

Fenton discloses a handlebar as described above, but does not disclose an air flow dampener having a first orientation and a second orientation to slow the displacement of the second end of the shaft toward and away from the frame.

Johnsen discloses an air flow damper (76b) connected to a shaft such that the damper is in a first non-fluid obstructing orientation when the shaft is displaced toward the frame, and a second fluid flow obstructing position when the shaft is displaced away from the frame (col. 8 lines 13-41).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the handlebar of Fenton with the damper of Johnsen in order to effectively absorb shocks through the frame (col. 1 lines 62-67).

Re claim 13, Fenton shows the bias member is a helical spring (see Fig 2).

Re claim 14, Johnsen shows the airflow washer is a feather washer (see Fig 10).

4. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fenton in view of Noel.

Art Unit: 3682

Fenton discloses a handlebar as described above, but does not disclose the handlebar having a compressible cap coupled with the second shaft end.

Noel discloses and compressible cap (30) coupled with a shaft end for movement with the second shaft end (col. 3 lines 49-56).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the compressible cap of Noel on the Handlebar of Fenton in order to reduce the risk of injury to the rider (col. 1 lines 50-53).

Allowable Subject Matter

5. Claims 1-4, 16, 19, 20, and 28 are allowed.

Response to Arguments

Some further comments regarding the Applicant's remarks are deemed appropriate.

The Applicant argues that the Fenton reference does not meet the limitation of claims, because it fails to disclose a damper used to dampen displacement of the shaft away from the frame. When the grip is moved to the left due to an impact, the spring (G) is compressed and then released biasing the grip away from the frame. When the spring (G) releases the washer (D) will inherently (to some degree) dampen the vibration. Therefore, the Fenton reference meets the limitation of the claim.

The applicant's remarks have been given due consideration, however they are not deemed fully persuasive.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vicky A. Johnson whose telephone number is (703) 305-3013. The examiner can normally be reached on Monday-Thursday (7:00a-5:00p).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Bucci can be reached on (703) 308-3668. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3682

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

vaj *vaj* 2/23/01

[Signature] 2/23/01
DAVID A. DUCCHI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600